where the money was received by the debtor from a third person whose property would be liable for the debt, in case the money was not applied upon such third person's liability, even though the creditor has no knowledge of the source of the funds. *Crane* v. *Keck,* 35 Neb. 683, 53 N. W. 606; *Williams* v. *Wellingham-Tift Lumber Co.,* 5 Ga. App. 533, 63 S. E. 584. There is, however, considerable authority sustaining the contrary view, holding that where the creditor has no knowledge that the money was furnished by the owner, no such exception exists. *Gantner* v. *Kemper,* 58 Mo. 567; *Union Trust Co.* v. *Casserly,* 127 Mich. 183, 86 N. W. 545; *Pipkorn* v. *Evangelical Society,* 144 Wis. 501, 129 N. W. 516. Even where the owner had completely paid the general contractor for his building, when the equities of the case most strongly favored him, the exception has not been recognized. *Thacher* v. *Bullock Lumber Co.,* 140 Ky. 463, 131 S. W. 271. In some jurisdictions there is an extreme view, recognizing no exception even where the creditor had actual knowledge that the payment made him was received by the debtor from the owner, whose property was liable as surety for the debt. Under this rule it is considered the duty of the owner to see that application of the payment is made to his account, or give notice himself that it should be so made. *Sheppard* v. *Steele,* 43 N. Y. 52, 3 Am. Rep. 660; *Jefferson* v. *Church of St. Mathew,* 41 Minn. 392, 43 N. W. 74.

Where there is no claim existing against the owner by the materialman, at the time of payment by the contractor, the application to the contractor's other debts will not be disturbed. *Brigham* v. *DeWald,* 7 Ind. App. 115, 34 N. E. 498.

THEATRES AND SHOWS—RIGHT TO ADMISSION—RIGHT OF DRAMATIC CRITIC. —A statute provided that all persons should be entitled to full and equal accommodations in places of amusement, and that no manager or owner of any such place should deny any of its advantages or privileges to any person on account of his race, color or creed. The plaintiff, a dramatic critic, was excluded because of unfriendly, though proper and legitimate, criticisms which he had published. *Held,* the plaintiff may legally be excluded. *Woollcott* v. *Shubert* (N. Y.), 111 N. E. 829.

The operation of a theatre is not a business affected with a public interest; and there is no obligation resting upon a theatre manager to admit all who may apply, but he may decide who shall enter and who shall be excluded, under the right which any private person has to control his property. *Horney* v. *Nixon,* 213 Pa. 20, 61 Atl. 1088, 110 Am. St. Rep. 520, 1 L. R. A. (N. S.) 1184; *People ex rel. Burnham* v. *Flynn,* 189 N. Y. 180, 82 N. E. 169, 12 Ann. Cas. 420. When the question of the right inhering in the holder of a theatre ticket first arose, it was held that the sale of the ticket created an irrevocable license. *Taylor* v. *Waters,* 7 Taunt. 373. But this doctrine was criticised and overruled by a later case, holding that the license was revocable. *Wood* v. *Leadbitter,* 13 Mee. & W. 838. The doctrine of the latter case was accepted by the early cases in this country. *McCrea* v. *Marsh,* 12 Gray (Mass.) 211, 71 Am. Dec. 744; *Burton* v. *Scherpf,* 1 Allen (Mass.) 133, 79 Am. Dec. 717. And they have been uniformly followed by the later decisions.

Horney v. *Nixon, supra; Taylor* v. *Cohn,* 47 Ore. 538, 84 Pac. 388, 8 Ann. Cas. 527; *Buenzle* v. *Newport Amusement Co.,* 29 R. I. 23, 68 Atl. 721.

A number of the states have passed what are known as civil rights acts, similar to the statute involved in the principal case, providing in effect that no person may be excluded from the equal enjoyment of places of amusement, by reason of race, color or creed. Such statutes are constitutional, as a valid exercise of the police power of the state. *People* v. *King,* 110 N. Y. 418, 18 N. E. 245, 6 Am. St. Rep. 389, 1 L. R. A. 293; *Baylies* v. *Curry,* 128 Ill. 287, 21 N. E. 595; *Messenger* v. *State,* 25 Neb. 674, 41 N. W. 638. The whole purpose of these statutes is to prevent discrimination on account of race, color or creed, and they are usually qualified so as to include only this form of discrimination. This was true of the statute involved in the instant case, and the claim of the plaintiff that its scope was broader because of the peculiar wording of the act was properly overruled by the court, both on the ground that the discrimination prohibited by the statute was in fact qualified by the words "on account of race, creed or color;" and also on the ground that this type of discrimination was the only evil toward which the statute was directed. While from the standpoint of policy it might not be wise to allow a dramatic critic who writes legitimate and proper criticisms to be excluded by the management of a theatre, yet by no reasonable construction would the civil rights act seem to apply to such an act, and additional legislation would be necessary to cover it.

TORTS—JOINT TORT-FEASORS—UNSATISFIED JUDGMENT AGAINST ONE—BAR TO SUBSEQUENT ACTION AGAINST OTHERS.—The plaintiff recovered a judgment against one tort-feasor, on which execution was returned, *nulla bona.* To an action against the other tort-feasor, the recovery of this judgment and the issue of execution thereon, was set up in bar. *Held,* the second action is not barred. *Ketelson* v. *Stilz* (Ind.), 111 N. E. 423.

The doctrine that an unsatisfied judgment against one of several joint tort-feasors operates as a bar to subsequent suits against the others was first laid down by a decision rendered in the year 1603. See *Brown* v. *Wootton,* Cro. Jac. 73, Yelv. 67, Moo. K. B. 762. This case established a doctrine which the English courts have followed with practical unanimity. The Virginia decisions, which form an exception to the established American doctrine, are in line with the English cases. These courts argue that, where the tort results from the combined acts of several wrongdoers, the injured party is entitled to but one cause of action. In this action the complainant may join all the tort-feasors as defendants, or sue severally, at his option. Having elected, however, to sue singly and once established and made certain his rights of action by obtaining a judgment thereon against one of the joint tort-feasors, the plaintiff shall not thereafter have a new action on the same cause against the others, although the first judgment be not satisfied. *Brown* v. *Wootton, supra; Buckland* v. *Johnson,* 15 C. B. 145, 23 L. J. (C. P.) 204; *Wilks* v. *Jackson,* 2 Hen. & M. (Va.) 355; *Petticolas* v. *City of Richmond,* 95 Va. 456, 28 S. E. 566. It is maintained that if the unsatisfied judgment is not a bar to subsequent actions, multiplied and vexatious suits would be encouraged thereby accumulating useless